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6 Attorneys for Plaintiffs

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8 LOZANO SMITH

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12 Attorneys for Defendants

**R E C E I V E D**

SEP - 7 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

**FILED**

SEP 10 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

13  
14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA**

16  
17 JASON SPIELER by his guardian ad  
item, ALISON J. SPIELER,

18 Plaintiffs,

19 v.

20 MT. DIABLO UNIFIED SCHOOL  
DISTRICT; Gary L. Eberhart, Eric E. Lain,  
Richard W. Allen, E. William Leal, and Linda  
K. Mayo in their official capacities as  
members of the BOARD OF EDUCATION;  
Paul E. Allen, in his official capacity as  
SUPERINTENDENT OF MT. DIABLO  
UNIFIED SCHOOL DISTRICT; Diana Wells,  
in her official capacity as Director of Student  
Services/Special Education,

21 Defendants.

22 Case No. C 98-00951 CW MEJ

23 **CLASS ACTION**

24 **JOINT STIPULATION AND REQUEST  
FOR EXTENSION OF TIME FOR  
PLAINTIFFS SUBMISSION OF  
APPLICATION FOR ATTORNEYS'  
FEES**

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CT82

1       Whereas, by Order dated August 16, 2007, the Court ordered the parties to meet and  
2 confer concerning attorney's fees and set a deadline of September 15 for Plaintiffs to submit an  
3 application for fees if the Parties are unable to resolve the fees issue or to agree on an alternate  
4 mechanism for resolving the dispute;

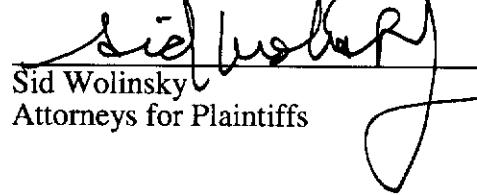
5       Whereas, the parties have met and conferred but are still exchanging necessary  
6 documents and information on which to make an informed decision as to whether the matter of  
7 fees and costs can be resolved between the parties;

8       The undersigned parties, by and through their counsel of record, hereby stipulate to and  
9 request that the Court order that Plaintiffs not be required to submit any necessary application for  
10 attorneys' fees until October 31, 2007.

11      SO STIPULATED.

12  
13      DATED: September 7, 2007

DISABILITY RIGHTS ADVOCATES

  
Sid Wolinsky  
Attorneys for Plaintiffs

14  
15  
16  
17      DATED: September \_\_, 2007

LOZANO SMITH

18  
19      \_\_\_\_\_  
Gregory Wedner  
Attorneys for Defendants

20  
21  
22      Plaintiffs may submit any necessary application for attorneys' fees and costs to this Court on or  
before Wednesday, October 31, 2007.

23      IT IS SO ORDERED.

24  
25      Dated: \_\_\_\_\_ 2007

  
HONORABLE CLAUDIA WILKEN  
U.S. DISTRICT COURT JUDGE

26  
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1 Whereas, by Order dated August 16, 2007, the Court ordered the parties to meet and  
2 confer concerning attorney's fees and set a deadline of September 15 for Plaintiffs to submit an  
3 application for fees if the Parties are unable to resolve the fees issue or to agree on an alternate  
4 mechanism for resolving the dispute;

5 Whereas, the parties have met and conferred but are still exchanging necessary  
6 documents and information on which to make an informed decision as to whether the matter of  
7 fees and costs can be resolved between the parties;

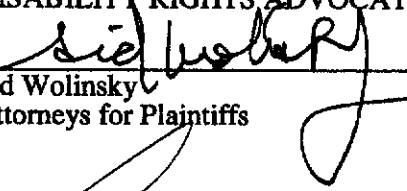
8 The undersigned parties, by and through their counsel of record, hereby stipulate to and  
9 request that the Court order that Plaintiffs not be required to submit any necessary application for  
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11 SO STIPULATED.

12

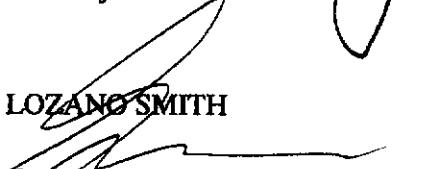
13 DATED: September 7, 2007

DISABILITY RIGHTS ADVOCATES

14   
15 Sid Wolinsky  
Attorneys for Plaintiffs

16 DATED: September 7, 2007

LOZANO SMITH

17   
18 Gregory Wedner  
19 Attorneys for Defendants

20

21

(Proposed) ORDER

22 Plaintiffs may submit any necessary application for attorneys' fees and costs to this Court on or  
before Wednesday, October 31, 2007.

23

IT IS SO ORDERED.

24

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Dated: 9/10 2007

  
26 HONORABLE CLAUDIA WILKEN  
U.S. DISTRICT COURT JUDGE

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**PROOF OF SERVICE**

I, Lauren M. Roberts, hereby declare:

I am over the age of 18 years and not a party to or interested in the within entitled cause. I am an employee of Disability Rights Advocates and my business address is 2001 Center St., Third Floor, Berkeley, CA 94704-1204. On September 7, 2007, I served true copies of:

**JOINT STIPULATION AND REQUEST FOR EXTENSION OF TIME FOR  
PLAINTIFFS SUBMISSION OF APPLICATION FOR ATTORNEYS' FEES**

on the parties through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below for service as designated below:

- A. By First Class Mail: I caused each such envelope to be placed in the internal mail collection system at Disability Rights Advocates with first-class postage thereon fully prepaid in a sealed envelope for deposit in the United States Postal Service that same day in the ordinary course of business.
- B. By Messenger Service: I caused each such envelope to be delivered during normal business hours by a courier dispatched from Disability Rights Advocates with instructions to hand-carry each such envelope to the office of the address on the date as written above.
- C. By Overnight Mail: I caused each such envelope to be placed in a box or other facility regularly maintained by the overnight express service carrier, or delivered to an authorized courier or driver authorized by the overnight express service carrier to receive documents, in an envelope or package designated by the express service carrier with delivery fees paid or provided for.
- D. By Facsimile: I caused such document to be served via facsimile electronic equipment transmission (fax) on the parties in this action by transmitting a true copy to the following fax numbers listed under each addressee below.

Service Method	Addressees
A, D	Greg Rolen General Counsel Mt. Diablo Unified School District 1936 Carlotta Drive Concord, CA 94519-1397 Fax: 925-680-2505
A, D	Gregory Wedner Lozano Smith 2000 Crow Canyon Place, Suite 200 San Ramon, CA 94583-1108 Fax: 925-302-2010

I declare under penalty of perjury the foregoing is true and correct and that this declaration was executed on September 7, 2007, at Berkeley, California.

Lauren M. Roberts